

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MELVENE KENNEDY,

Plaintiff,

v.

JAMES B. NUTTER & CO.,

Defendant.

Case No. 4:22-cv-00824-RK

ORDER

Plaintiff filed a pro se complaint against Defendant on December 15, 2022. (Doc. 1.) On December 16, 2022, the Court transferred the case to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1404(a). (Doc. 3.)¹ Subsequent to transfer, Plaintiff voluntarily withdrew her complaint, which the district court granted. *Kennedy v. James B. Nutter & Co.*, No. 2:22-cv-07439-JMV-JSA (D.N.J.) (docs. 5, 6, 7). Now before this Court is Plaintiff's pro se motion for return of the filing fee paid when she initially filed the complaint in this Court. (Doc. 8.)

The Court has refunded paid filing fees when federal law precludes requirement of a filing fee for a particular party. *See, e.g., Newman Excavating, Inc. v. Golden Eagle Invs. Co., LLC*, No. 10-04270-CV-FJG, 2011 WL 971532, at *2 (W.D. Mo. Mar. 17, 2011) (ordering refund of filing fee as to Federal Deposit Insurance Corporation as Receiver where federal law exempted FDIC from filing fees, 12 U.S.C. § 1819(b)(4)); *Wickliffe v. Pepsico, Inc.*, No. 4:12-cv-00737-NKL, 2012 WL 12904710, at *1 (W.D. Mo. Oct. 9, 2012) (ordering refund of filing fee in case asserting claims under the Uniformed Services Employment and Reemployment Rights Act, where federal law exempts filing fee in such suits, 38 U.S.C. § 4323(h)); *see also Jacobs v. Barnes*, 857 F. App'x 896, 897 (8th Cir. 2021) (granting motion for return of filing fee as to fee paid prior to grant of *in forma pauperis* status). The Court has also refunded paid filing fees when so required by the interests of justice. *See Wright v. State of Missouri*, No. 05-4422-CV-C-SOW, 2006 WL 680901, at *1 (W.D. Mo. Mar. 15, 2006); *see also Daugherty v. Armstrong*, No. 4:12CV3133, 2012 WL

¹ The Court denied Plaintiff's pro se motion for reconsideration of transfer on December 21, 2022. (Doc. 6.)

3930325, at *4-5 (D. Neb. Sept. 7, 2012) (granting partial refund of filing fee where plaintiff was erroneously assessed the initial partial filing fee twice). Here, Plaintiff cites no legal authority and provides no argument why the filing fee should be refunded or returned. Plaintiff's pro se motion for return of filing fee (Doc. 8) is therefore **DENIED without prejudice**.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: February 28, 2023